

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEXANDER TALLON,

Defendants.

CR 07-05-BU-DWM-KLD

ORDER

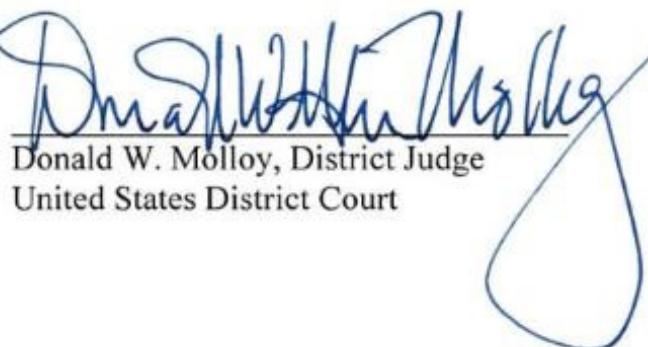
On June 3, 2022, United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the May 10, 2022 petition for revocation of Defendant Alexander Tallon's supervised release. (Docs. 71, 85, 86.) The petition alleged six violations of the conditions of supervision, of which Tallon admitted three: (4), (5), and (6). At the final revocation hearing on June 2, 2022, Judge DeSoto found that the government proved violations (2) and (3) by a preponderance of the evidence, but that the government did not carry its burden as to violation (1). (*See* Doc. 86.) Based on the admitted conduct and the violations found at the hearing, Judge DeSoto recommends that supervised release be revoked and that this Court sentence Defendant to 5 months custody and a lifetime of supervised release. (*Id.* at 3.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court’s “full authority” to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto’s conclusion that Defendant violated the conditions of his release in the manner set forth in the petition, and that Defendant’s supervision should be revoked, the Court adopts those findings and recommendations. (See Doc. 86.)

Accordingly, IT IS ORDERED that Judge DeSoto’s Findings and Recommendations, (Doc. 86), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant’s supervised release is revoked. Judgment will be entered by separate document.

DATED this 21st day of June, 2022.



Donald W. Molloy, District Judge
United States District Court